

GOAL 1- CORE MISSION:

Deliver real results to provide Americans with clean air, land, and water.

OBJECTIVE 1.1-IMPROVE AIR QUALITY:

Work with states to accurately measure air quality and ensure that more Americans are living and working in areas that meet high air quality standards.

2015 Ozone Standard Designations

On November 6, 2017, EPA designated much of the country as 'attainment/unclassifiable.' In Region 6, Arkansas and Quapaw Tribe of Indians (Oklahoma) were designated without any exceptions as attainment/unclassifiable for the 2015 ozone standard. A few areas associated with violating monitors were not addressed in the November 6 action. For these areas, the States made the following recommendations. Louisiana recommended the five-parish Baton Rouge area as nonattainment. New Mexico recommended a portion of Southern Doña Ana County as nonattainment. Texas recommended 8 counties in the Houston area, 11 counties in the Dallas/Fort Worth area, Bexar County in the San Antonio area and El Paso County as nonattainment. These areas will be addressed in a separate future action.

In the November 6, 2017 action, EPA designated about 90 percent of the country for meeting the 2015 ground-level ozone standards consistent with the states' and tribes' recommendations. EPA found that most areas of the country -- 2,646 of the more than 3,100 counties in the United States -- meet the standards for ground-level ozone. These areas do not have any increased compliance burdens.

In the spirit of cooperative federalism, EPA will continue to work with states and the public to help areas with underlying technical issues, disputed designations, and/or insufficient information. Additionally, EPA modeling, state agency comments, and peer-reviewed science indicate international emissions and background ozone can contribute significantly to areas meeting attainment thresholds. The agency intends to address these areas in a separate future action. For the remaining areas, EPA is not extending the time provided under section 107 of the Clean Air Act.

1-hour Sulfur Dioxide Designations

Under court order, the EPA must issue final area designations for round 3 sources under the 2010 Primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide by December 31, 2017. Round 3 sources are those where States have chosen to use modeling to characterize air quality in the vicinity of sources with emissions greater than 2000 tons/year. The Agency is responding to state, territorial, and tribal recommendations for the third round of area designations by indicating anticipated area designations.

On August 22, 2017, EPA Regional Administrators sent letters to Governors and Tribal leaders informing them of our intended area designations for the 2010 Primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide. Based on state recommendations nationwide, ten areas were identified that may be violating the 2010 primary sulfur dioxide standard in the third round of designations; Evangeline Parish, Louisiana was included. These letters start a 120-day period during which states, territories, and the tribes are invited to provide additional information before final designations must occur. EPA asked that states, territories and tribes to send EPA any additional information by October 23, 2017.

On June 2, 2010, the EPA revised the primary sulfur dioxide National Ambient Air Quality Standard by establishing a new 1-hour standard at a level of 75 parts per billion. The promulgation of a new or revised NAAQS triggers the designations process. Two rounds of designations were previously completed in July 2013 and June 2016. In Arkansas, Independence and Jefferson Counties were designated in previous actions. In Texas, Atascosa, Fort Bend, Goliad, Lamb, Limestone, McLennan, and Robertson Counties and portions of Anderson, Freestone, Panola, Rusk, and Titus Counties were designated in previous actions. In Oklahoma, Choctaw and Noble Counties. No areas in New Mexico were previously designated. In Louisiana, Calcasieu, Desoto and St. Bernard Parishes were designated in previous actions.

There are areas surrounding 13 emission sources in Arkansas, Louisiana, Oklahoma, New Mexico, and Texas that must be designated by December 31, 2017. EPA received modeling from the states for the areas surrounding 9 of the sources. Louisiana did not submit modeling for three sources in St. Mary Parish. One source located in Louisiana took federally enforceable SO₂ emission limits, but did not submit modeling analyses.

PM₁₀ Exceptional Event Demonstration from City of Albuquerque

The City of Albuquerque is scheduled to submit documentation by December 18, 2017 to support an exceptional event demonstration for five exceedances at two air particulate monitors for EPA approval. The city believes the occurrences were caused by high wind events in the area.

Under federal law, EPA may be requested to exclude data which is the result of an exceptional event from use in regulatory determinations concerning area attainment. In order to attain the National Ambient Air Quality Standard (NAAQS) for particulate matter with diameters that are generally 10 micrometers or smaller (PM₁₀), an air quality monitor cannot measure levels of PM₁₀ greater than 150 micrograms per cubic meter (ug/m³) more than once per year on average over a consecutive three-year period.

The New Mexico Environment Department has authority over air quality in all areas of New Mexico except for Bernalillo County and Tribal Lands. The City of Albuquerque/Bernalillo Air Quality Control Board regulates businesses located in Bernalillo County and EPA regulates air quality issues on Tribal Lands. City of Albuquerque operates four PM₁₀ monitors at three sites.

8-hour Ozone Exceptional Event Request for El Paso, Texas

Texas has requested EPA make a final decision on the documentation to support an exceptional event demonstration for an exceedance at an air quality monitor in El Paso before the remaining 2015 ozone designations are made.

On November 6, 2017, EPA designated about 90 percent of the country for meeting the 2015 ground-level ozone standards consistent with the states' and tribes' recommendations. The remaining areas will be addressed in a separate future action.

On September 27, 2016, the Texas Commission on Environmental Quality submitted documentation to support an exceptional event exceedance demonstration. The states' exceptional events demonstration package cites wildfires in Arizona as cause of the exceptional event. The state requested EPA's concurrence that an exceedance of the air quality 8-hour ozone concentration value on June 21, 2015, at the University of Texas at El Paso monitor was due to wildfires in Arizona.

Under federal law, EPA allows for high concentrations associated with exceptional events, such as wildfires, to be set aside and not used in design value calculations or for attainment determinations. In order to attain the National Ambient Air Quality Standard (NAAQS) for ozone, an air quality monitor the average of fourth high value measured each year for three years cannot be greater than 70 parts per billion (ppb).

EPA relies on three years of certified air monitoring data to support its designation decision. Currently, attainment designations are based on 2014 – 2016 air monitoring data. El Paso would measure attainment with the ozone standard if the exceptional event is approved. Nearby monitors in Sunland Park New Mexico, however, would still be in violation of the NAAQS.

Texas BART Federal Implementation Plan

EPA and the state of Texas formalized a memorandum of agreement to reduce red tape so the state can submit a state implementation plan early next year, which, if approved by EPA, would replace, the Federal Implementation Plan.

On September 9, 2017, EPA partially approved the Texas Clean-air Plan for Regional Haze and Interstate Visibility Transport and finalized a Federal Implementation Plan for a best available retrofit technology (BART) alternative that includes an intrastate trading program for sulfur dioxide. The Federal Implementation Plan (FIP) implements a cap on emissions from eight owner-operated power plants.

The EPA was under two court orders on Texas Regional Haze and Interstate Visibility Transport to take final actions by no later than September 30, 2017. Parties were unable to agree to additional time needed for Texas to submit a State Implementation Plan and complete public notice and public participation before the deadline. EPA and Texas' joint attempt for an extension with the court was unsuccessful. The federal plan will provide additional flexibility and allowances to sources in Texas.

EPA approved Texas' determination that its EGUs are not subject to best available retrofit technology for Particulate Matter PM, and finalized its proposed finding that NOx BART is met by participation in CSAPR, as updated. To address the sulfur dioxide (SO₂) BART requirements for electric-generating units in Texas, this action establishes intrastate trading program provisions. Trading program provisions include a Supplemental Allowance pool to provide additional flexibility and allowances to sources unable

to remain below their allocation level. The trading program includes provisions for additional sources to opt-in.

Arkansas Regional Haze Federal Implementation Plan

EPA anticipates the State of Arkansas' formal submission of a Regional Haze State Implementation Plan shortly. EPA is working with the State of Arkansas to establish an agreeable process and milestones to replace EPA's Federal Implementation Plan with an approvable State Implementation Plan by mid-July 2018.

On October 31, 2017, the Arkansas Department of Environmental Quality proposed revisions to the State's Regional Haze SIP for public notice in Arkansas. The proposed revisions included Best Available Retrofit Technology (BART) eligible sources and subject-to-BART Sources, particulate matter and sulfur dioxide requirements for Arkansas power plants, compliance dates, reasonable progress goals, and long-term strategy. The Arkansas Department of Environmental Quality will hold a public hearing on Tuesday, January 2, 2018 and will accept written and electronic comments.

On August 31, 2016, EPA promulgated a final Federal Implementation Plan that established sulfur dioxide, nitrogen oxide, and particulate matter emission limits for 11 units at seven facilities in Arkansas under the Regional Haze Rule. The Federal Implementation Plan was promulgated to correct certain portions of the Arkansas Regional Haze State Implementation Plan, which EPA partially disapproved in an action finalized on March 12, 2012.

In November 2016, EPA received petitions for reconsideration from the State of Arkansas as well as four industry parties. Five parties also filed petitions for judicial review of certain parts of the Federal Implementation Plan. The State of Arkansas and other parties to the litigation have expressed interest in settlement discussions/negotiations. To facilitate settlement discussions, EPA sent letters to the petitioners communicating our intent to grant a 90-day administrative stay and partial reconsideration of (1) the SO₂ controls for the White Bluff Power Plant, (2) the form and compliance date of NO_x controls for White Bluff Power Plant, Independence Power Plant, and Flint Creek Power Plant, and (3) reconsideration of the compliance date for SO₂ controls for the Independence Power Plant. Settlement discussion with the State and other petitioners have not been fully successful.

EPA and DOJ are continuing settlement discussions with the State and other petitioners while parallel processing the State Implementation Plan.